

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHEET METAL WORKERS' NATIONAL PENSION
FUND; NATIONAL ENERGY MANAGEMENT
INSTITUTE COMMITTEE FOR THE SHEET METAL
AND AIR CONDITIONING INDUSTRY; SHEET METAL
OCCUPATIONAL HEALTH INSTITUTE TRUST;
INTERNATIONAL TRAINING INSTITUTE FOR THE
SHEET METAL AND AIR CONDITIONING INDUSTRY;
and NATIONAL STABILIZATION AGREEMENT OF THE
SHEET METAL INDUSTRY FUND,

08-CV 0540 (DC)

ANSWER

Plaintiffs,

-against-

AUL SHEET METAL WORKS INC., and
YVES JEROME, as an individual,

Defendants.
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Defendants, AUL Sheet Metal Works, Inc. and Yves Jerome (collectively referred to as "AUL"), by their attorneys, Rivelis, Pawa & Blum, LLP, answer the Complaint (the "Complaint") as follows:

1. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 1, 2, and 3 of the Complaint.
2. Admit the allegations in paragraph 4 of the complaint.
3. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 5 and 6 of the Complaint.
4. Admit the allegations set forth in paragraph 7 of the Complaint.
5. Deny the allegations set forth in paragraphs 8, 9, 10, 11, 12 and 13 of the Complaint, and refer to any contracts entered into as alleged.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 14, 15 and 16 of the Complaint.

7. Deny the allegations set forth in paragraph 17 of the Complaint, except admit that Yves Jerome is a principal of AUL.

8. Deny the allegations set forth in paragraph 18 of the Complaint, except admit that Yves Jerome is a principal of AUL.

9. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 19 of the Complaint.

**AS AND FOR A RESPONSE
TO THE FIRST CLAIM FOR RELIEF**

10. Repeat and reallege the responses to the paragraphs incorporated in paragraph 20 of the Complaint.

11. Deny the allegations set forth in paragraph 21 of the Complaint.

**AS AND FOR A RESPONSE
TO THE SECOND CLAIM FOR RELIEF**

12. Repeat and reallege the responses to the paragraphs incorporated in paragraph 22 of the Complaint.

13. Deny the allegations set forth in paragraph 23 of the Complaint.

**AS AND FOR A RESPONSE
TO THE THIRD CLAIM FOR RELIEF**

14. Repeat and reallege the responses to the paragraphs incorporated in paragraph 24 of the Complaint.

15. Deny the allegations set forth in paragraph 25 of the Complaint.

**AS AND FOR A RESPONSE
TO THE FOURTH CLAIM FOR RELIEF**

16. Repeat and reallege the responses to the paragraphs incorporated in paragraph 26 of the Complaint.

17. Deny the allegations set forth in paragraph 27 of the Complaint.

**AS AND FOR A RESPONSE
TO THE FIFTH CLAIM FOR RELIEF**

18. Repeat and reallege the responses to the paragraphs incorporated in paragraph 28 of the Complaint.

19. Deny the allegations set forth in paragraph 29 of the Complaint.

**AS AND FOR A RESPONSE
TO THE SIXTH CLAIM FOR RELIEF**

20. Repeat and reallege the responses to the paragraphs incorporated in paragraph 30 of the Complaint.

21. Deny the allegations set forth in paragraphs 31 and 32 of the Complaint.

**AS AND FOR A RESPONSE
TO THE SEVENTH CLAIM FOR RELIEF**

22. Repeat and reallege the responses to the paragraphs incorporated in paragraph 33 of the Complaint.

23. Deny the allegations set forth in paragraphs 34, 35 and 36 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

24. Defendants dispute that they are subject to any contracts or Agreements identified in the Complaint.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

25. The Complaint fails to state a cause of action upon which relief can be granted.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

26. Defendants dispute Plaintiffs' claims, inasmuch as all sums due have been paid.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

27. Plaintiffs' claims include requests for payments for which Defendants have no responsibility or liability.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

28. Plaintiffs' claims are barred by the doctrine of Res Judicata and Collateral Estoppel.

WHEREFORE, defendants AUL and Jerome seek judgment against Plaintiffs dismissing the Complaint in its entirety, and such further relief as the Court deems just and proper.

Dated: New York, New York
February 11, 2008

RIVELIS, PAWA & BLUM, LLP

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